

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

against

16-cr-405-05(LAK)

MI SOOK KIM,
Defendant.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

The Court recently granted the defense adjournment request of the May 14, 2020 sentencing hearing due to the difficulties posed by the COVID-19 pandemic. June 10, 2020 was chosen as a sentencing control date but it is not clear whether the Court will be in a position to conduct a typical sentencing proceeding (i.e., a sentencing with the defendant and all other necessary persons present in a public court room) by June 10, 2020. Assuming that all sentencing submissions and a valid waiver of defendant's right to be present and her consent to conducting the sentencing by video, or, if video is not reasonably available, telephonic means, all were timely filed, the Court would be prepared to consider sentencing on June 10, 2020, or shortly thereafter.

Counsel shall either file the necessary consent utilizing the form attached to this order, or request that sentencing be adjourned to the fall when the likelihood of an in-person hearing being possible is greater.

SO ORDERED.

Dated: May 19, 2020



Lewis A. Kaplan
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

MI SOOK KIM,

Defendant.

**WAIVER OF RIGHT TO BE PRESENT
AT CRIMINAL PROCEEDING**

16 -CR- 405-05 (LAK)

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**WAIVER OF RIGHT TO BE PRESENT AT SENTENCING PROCEEDING
AND CONSENT TO SENTENCING VIA VIDEO OR TELEPHONE CONFERENCE**

I understand I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am aware also that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I consent also to this proceeding taking place by video or, if video is not reasonably available, telephone conference.

I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Print Name

Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date:

Print Name

Signature of Defense Counsel

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date:

Signature of Defense Counsel

Accepted:

Signature of Judge

Date: